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Paper No. 9

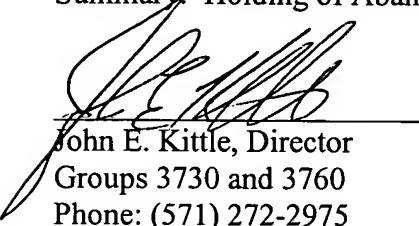
In re Application of : DECISION ON PETITION
Steven Girouard : TO WITHDRAW
Serial No. : 10/017,941 : HOLDING OF
Filed : December 12, 2001 : ABANDONMENT
For : System and Method for Treating an Adverse Cardiac :
Condition Using Combined Pacing and Drug Delivery

This is a decision on petitioner's request filed November 12, 2004, to review the holding of abandonment mailed October 19, 2004 for failure to respond to the Office action mailed August 26, 2003. There is no fee required for this petition.

In support of the request, petitioner has submitted a copy of a response, the response bearing a certificate of facsimile transmission dated November 25, 2003. Petitioner has also included a copy of a receipt of facsimile transmission confirmation confirming transmission of the papers in question on November 25, 2003, and a statement from the person who facsimiled the response attesting to the submission of the response.

In view of the above, the Notice of Abandonment mailed October 19, 2004 is in error and is hereby vacated. The holding of abandonment is withdrawn. Upon the mailing of this decision, the application will be forwarded to the Examiner via the Legal Instruments Examiner for entry and consideration of the response filed November 25, 2003.

Summary: Holding of Abandonment Withdrawn.


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ak/12/13/04